

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 26, 1992

ALL-COUNTY LETTER NO. 92-63

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICERS
ALL JUVENILE COURT JUDGES

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by SDSS

SUBJECT: PERIODIC REVIEW REQUIREMENTS

REFERENCE: ALL-COUNTY LETTER NO. 84-122

As a result of the recent federal Triennial Section 427 Review of a selected sample of Child Welfare Services (CWS) cases throughout the State, it was noted that a number of the cases reviewed failed to meet the periodic review requirement within the six-month timeframe.

The purpose of this letter is to restate the six-month periodic review requirement and to advise counties to evaluate their case review systems to ensure continued compliance with federal and State law governing this issue.

Federal law, 42 United States Code Section 627(a)(2)(B), requires the implementation of a foster care "case review system" as defined in Section 675(5), which provides that, "The status of each child is reviewed periodically but no less frequently than once every six months." These reviews must determine the following specific case circumstances: 1) the continuing necessity for and appropriateness of the placement; 2) the extent of compliance with the case plan; 3) the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care; and 4) projection of a likely date by which the child may be returned to the home or placed for adoption or legal guardianship. Department of Health and Human Services Region IX staff have instructed the State that the date used to calculate when periodic reviews must be held is the "original placement date" as defined in Welfare and Institutions Code (WIC) Section 11400(p). Welfare and Institutions Code Section 11400(p) defines "original placement date" as "the most recent date on which the court detained a child and ordered an agency to be responsible for supervising the child..."

For all children in foster care, a periodic review, considering the specific case circumstances identified above, must be held every six months from the child's original placement date as defined in WIC 11400(p). This includes probation children on whose behalf an Aid to Families with Dependent Children-Foster Care (AFDC-FC) payment is made.

The original placement date must also be used to compute the timeframe for the 18-month (formerly permanent placement) hearing to determine the future status of the child. The 18-month hearing shall consider whether the child should be returned to the parent, continued in foster care for a specified period, placed for adoption or continued in foster care on a long-term basis.

In addition to the above, the dispositional hearing held pursuant to WIC Section 361 may be considered the initial periodic review if it is held within the first six months of a child's original placement date, as defined in WIC 11400(p) and makes all of the findings required by WIC Section 366(a). Welfare and Institutions Code Section 366(a) requires that the court make all the determinations required by federal law in order to be considered a periodic review and specifies that subsequent six-month periodic reviews, up to, but not including, the required 18-month review hearing, be computed from the date of this dispositional hearing. The 18-month review hearing must always be computed from the original placement date as defined in WIC 11400(p) (Reference ACL No. 84-122).

If you have any questions regarding this issue, please contact your Child Welfare Services Operations consultant at (916) 657-2189 or ATSS 437-2189.



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cc: CWDA